

REMARKS

This application has been reviewed in light of the Office Action mailed September 1, 2006. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 19 are pending in the application with Claim 1, 12 and 16 being in independent form. By the present amendment, Claims 1, 12 and 16 are amended, and Claims 20 – 30 are newly added, Newly added Claims 29 and 30 being in independent form. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 1 – 11 Under 35 U.S.C. § 102(b)

Claims 1 – 11 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,905,431 issued to Mueller et al. (hereinafter, “Mueller et al.”).

In response, Claim 1 has been amended to recite: “...a transmitter for transmitting a signal, the signal being a non-user activated signal; and a control for controlling the transmitter to transmit the signal, the signal adjusting the sensitivity of the motion detector.” Claims 12 and 16 have been amended to recite similar language.

Mueller et al. discloses a vehicle security system that uses a potentiometer to adjust the sensitivity of a shock sensor. The potentiometer is controllable by a signal transmitted by a user.

However, Mueller et al. fails to disclose a transmitter that transmits a short range non-user activated signal that, when received by the motion detector, adjusts the sensitivity of the detector. (See: para. 0024 – 0025; and para. 0031). This feature is not disclosed in any of the cited prior art references.

It is well-settled by the Courts that “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the

claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Mueller et al. does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicant respectfully request withdrawal of the rejection with respect to Claims 1 – 11 under 35 U.S.C. § 102(b).

II. Rejection of Claims 1 – 19 under 35 U.S.C. § 103(a)

Claims 1 – 19 under 35 U.S.C. § 103(a) as allegedly obvious under U.S. Patent No. 5,565,844 issued to Bedrosian (hereinafter, “Bedrosian”) in view of U.S. Patent No. 5,898,170 issued to Featherston et al. (hereinafter, “Featherston et al.”).

Bedrosian discloses a remote sensor including a base and a sensor unit vertically displaced upwardly from the base unit. The relative position of the sensor head and base unit can be fixed, such that the height of the sensor head may be adjusted along a vertical axis. (See: col. 2, lines 18 – 26). However, contrary to the assertions made in the present Office Action, the cited passage in Bedrosian fails to properly disclose all the limitations recited in Applicant’s Claims 1, 12 and 16. Specifically, Bedrosian fails to teach transmitting a signal for adjusting the sensitivity of a motion detector, and receiving a remotely generated signal for adjusting the sensitivity of the motion detector.

Bedrosian teaches creating detection blind spots by adjusting the height of the sensor head and positioning masking elements. The masking elements block portions of the sensor so that the sensor is unable to receive signals indicative of motion in those masked regions. Additionally, the sensor head is designed to only detect motion occurring parallel or above the horizontal axis of the sensor head, thus motion occurring below the height of the sensor head is

not detected. Therefore, by adjusting the height of the sensor head a lower blind spot is adjusted as well.

Bedrosian does not indicate any means for adjusting sensitivity of the detector nor of adjusting such a sensitivity by transmission/reception of a sensitivity controlling signal, as provided for in Applicant's Claims 1, 12 and 16.

Featherston et al. is relied upon for overcoming the above-identified deficiency in Bedrosian. Featherston et al. discloses an optical encoding circuit, for use in computer mice, trackballs and other computer pointing devices, having an apparatus for finding an optimal sensitivity level for the optical encoding circuit. The optical encoder utilizes a rotatable encoding wheel having alternating light-blocking and light-transmitting regions. The rotating encoding wheel, positioned between an LED and a photoreceptor, causes an alternating on/off signal received by the photoreceptor. The optical encoding circuitry receives a pulsed signal from the photoreceptor and determines number of revolutions that the encoding wheel has traveled.

However, Featherston et al. is in a wholly different field of endeavor than either Applicant's invention or Bedrosian. Featherston et al. is not directed towards security systems, and thus one skilled in the art of security systems would not look to Featherston et al. for a method of automatically adjusting sensitivity of a security system motion detector. Therefore, no motivation to combine Featherston et al. with Bedrosian exists. Accordingly, Claims 1 – 19 are believed to be allowable over Featherston et al. and Bedrosian.

Also, neither Bedrosian nor Featherston et al. disclose the limitation of a transmitter that transmits a short range, non-user activated signal that, when received by the motion detector, adjusts the sensitivity of the detector.

III. Newly Added Claims 20 – 30

New Claims 20 – 28 depend from independent Claims 1, 12 and 16. New Claims 29 and 30 are independent claims reciting the limitations of Claim 1, as originally filed. Additionally, new Claim 29 includes the limitations of the sensitivity of the motion sensor being adjusted to exclude a pet when the signal is received by the motion detector, the adjusted motion detector remaining sensitive to detection of intrusion by a person; and new Claim 30 includes the limitation that the signal is transmitted at one of a predefined transmission rate, continuously, and upon receipt of a challenge signal from the motion detector. Support for Claims 20 – 30 can be found throughout the specification, in particular paragraph 0024 – 0031.

Therefore, no new matter has been introduced into the disclosure by way of the newly added claims. Accordingly, Applicant submits that newly added Claims 20 – 30 are allowable over the cited prior art references for at least the reasons provided above.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 30 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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